

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 21-0276
OWCP No. 14-309717

GLENN A. OTT)	
)	
Claimant-Respondent)	
)	
v.)	
)	
PACIFIC FISHERMEN SHIPYARD AND)	
ELECTRIC LLC)	
)	DATE ISSUED: 05/20/2021
and)	
)	
SIGNAL MUTUAL INDEMNITY)	
ASSOCIATION, LIMITED)	
)	
Employer/Carrier-)	
Petitioners)	ORDER

Employer filed an appeal of District Director Todd Bruininks' Order Approving Attorney Fee. In response, Claimant's counsel filed a motion to dismiss the appeal in light of his decision to withdraw his fee petition and not pursue a fee for work before the Office of Workers' Compensation Programs in this case. 20 C.F.R. §§802.219, 802.401. In reply, Employer requests the Benefits Review Board first vacate the district director's order before adjudging its appeal moot.

As Claimant's counsel has indicated he is withdrawing his fee petition and will not pursue a fee before the district director, despite having been awarded a fee, we accept his withdrawal as final. Therefore, we vacate the district director's Order Approving Attorney Fee. 20 C.F.R. §802.404. Absent an order adversely affecting Employer, we grant Claimant's motion and dismiss Employer's appeal with prejudice. 20 C.F.R. §802.401.

Accordingly, we grant Employer's motion to vacate the district director's fee award and Claimant's motion to dismiss Employer's appeal.¹

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

¹ In light of our decision, Employer's motion for an extension of time to file its petition for review and supporting brief is moot.